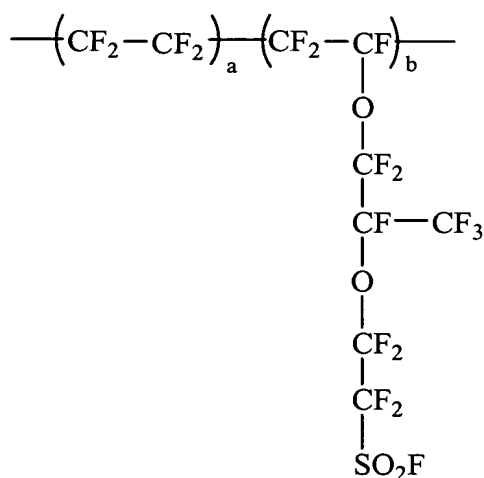


REMARKS/ARGUMENTS

The Office has required election of species among Claims 1-36, as discussed on pages 2-3 of the present Office Action, as follows.

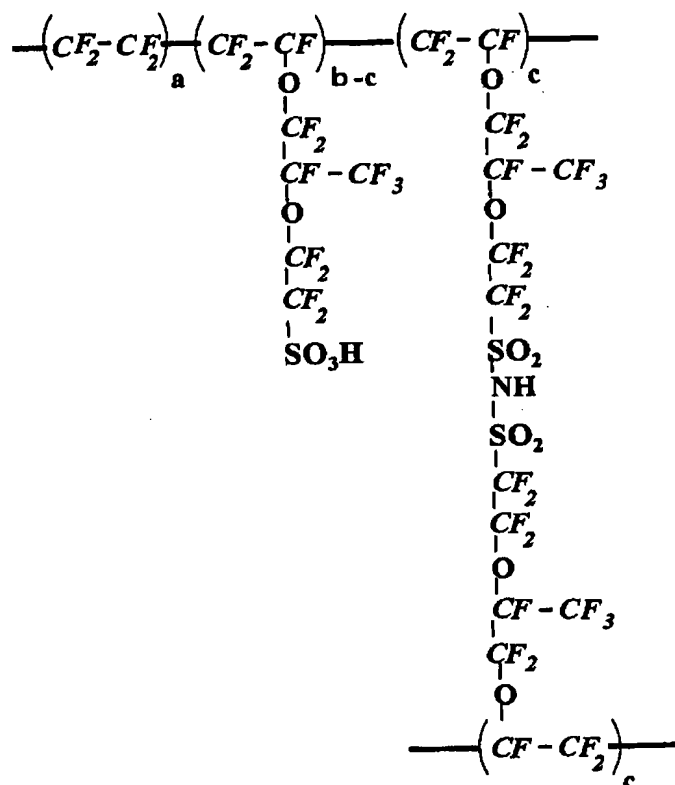
1. An election of a chemical modifying electrolyte compound and related species.
2. An election of a chemical solid polymer electrolyte, or its precursor.
3. An election of a chemical base or alkaline agent.
4. An election of a chemical crosslinking group.

Applicants elect with traverse the following solid polymer electrolyte for examination purposes only:



Applicants also elect with traverse ammonia (NH₃) for the chemical modifying electrolyte compound (amine compound), for examination purposes only. Applicants elect with traverse trimethylamine for the chemical base, for examination purposes only. Applications also elect with traverse the following crosslinking group, -O₂S-NH-SO₂-, for examination purposes only. Claims 1-20 read on the elected species. To assist the Examiner, Applicants direct the Examiner's attention to Examples 16-22 (pages 55-56) and pages 14, 15, 17-19 and 46 of the specification, in which some exemplary embodiments of the elected

species are provided. Although not required for the election, Applicants note that the above elected species can result in the following modified electrolyte:



The Examiner has characterized Claims 1-36 as drawn to a plurality of disclosed patentably distinct species, comprising many possible respective species, as discussed on pages 2-3 of the present Office Action. Thus, the Examiner required the above elections. Applicants respectfully traverse based on the following reasons.

Applicants submit that the Office has not made a proper requirement for an election of species. There must be a serious burden on the Examiner if an election or restriction is required. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion in support of an election or restriction (see MPEP § 803). Applicants respectfully submit that the Office has not demonstrated that it would be a serious burden to examine the entire application.

In addition, Applicants submit that the Office has not provided any reasons to support the conclusion of patentable distinctness with respect to the elected species, but rather has merely stated the conclusion. Applicants note that for restriction to be proper, there must be a patentable difference between the species as claimed (see MPEP § 808.1(a)).

Applicants make no statement regarding the patentable distinctness of the species, but note that, for election 1, the Examiner generally concluded that the Claims 1-36 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical modifying electrolyte compounds, and provided a general listing of such compounds. However, the Examiner did not provide any reasons or examples to support this statement, and thus, has not supported the requirement for this election. Similarly, for election 2, the Examiner generally concluded that Claims 1-36 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical solid polymer electrolytes or their precursors. Again, the Examiner did not provide any reasons or examples to support this statement. As for election 3, the Examiner generally concluded that Claims 1-36 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical base or alkaline agents, without providing reasons or examples to support this statement. Likewise for election 4, the Examiner generally concluded that Claims 1-36 are generic to a plurality of disclosed patentably distinct species comprising many possible chemical crosslinking groups, without providing reasons or examples in support of this statement.

The burden is on the Office to provide reasons to conclude that the inventions are patentably distinct, and not on the Applicants to establish that they are not. Therefore, the Office has not supported its conclusion of the above election of species, and has not shown that it would be a serious burden to search and examine all the claims together. Applicants

respectfully submit that a search of all the claims would not impose a serious burden on the Office.

Applicants also respectfully submit that if the invention is so narrowed, as to cover only the elected species from each of election 1-4, Applicants cannot adequately claim the invention, without filing numerous patent applications. This is an undue burden on the Applicants.

Finally, with respect to all the elected species, Applicants respectfully submit that should the elected species be found allowable, the Office should expand its search to each of the respective non-elected species.

Accordingly, for at least the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary, in order to sustain the requirement for election in the present application. Applicants respectfully request the withdrawal of the Election Requirement.

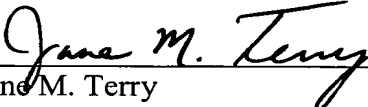
Applicants respectfully submit that the present application is now in condition for examination on the merits, and request early notice of such action.

Respectfully submitted,

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